

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 86839

Phan Den
8109 Bullneck Road
Baltimore MD 21222

8217 Dundalk Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 9, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-305, 307, failure to maintain premises in a rat free condition and to eliminate rat harborages: rat holes/runs, under and/or around shed, along fence line, under and/or around patio; section 13-4-201 (b)(d), failure to store waste in a rodent resistant watertight container with a tight fitting lid: section 13-4-201; 13-7-301, 310, failure to maintain property free of animal feces on residential property.

On February 14, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Alphonso Griffin issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,400.00 (one thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Phan Den, Respondent and, Alphonso Griffin, Baltimore County Code Enforcement Officer. Evidence revealed that there was a recent Failure To Appear judgement for rat infestation for this property at which a \$1,000.00 fine was imposed. The current matter arose from a complaint on 11/20/10 leading to an inspection of the property on 2/14/11, at which time there was observed garbage cans without lids and serious evidence of rat infestation. A new citation was issued, mailed and posted. A pre-hearing inspection revealed that although the garbage cans had lids on, bricks had been placed in front of some of the rat holes, others were covered up under a piece of fencing, and trash was placed under the property's deck.

Upon the testimony and evidence presented at the hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that \$900.00 of the previous \$1,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$900.00 will be imposed if the property is not brought into compliance by April 20, 2010.

IT IS FURTHER ORDERED that the remaining \$900.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that the immediate \$50.00 civil penalty imposed for the clean up of the premises arising out of the immediate violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of March 2011

Signed: ORIGINAL SIGNED
Lawrence M. Stahl
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.